

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

JOSEPH RAIMONDO,

Plaintiff,

Case No. 21-10854

v.

Hon. Denise Page Hood

UNITED STATES OF AMERICA,

Defendant.

**ORDER DENYING MOTION TO AMEND AND RECONSIDER
UNDER FED. R. CIV. P. 59(e) (ECF No. 42)**

On August 19, 2022, the Court entered a Judgment and an Order Granting Motions to Dismiss. (ECF Nos. 40, 41). Plaintiff filed a Motion to Amend and Reconsider under Fed. R. Civ. P. 59(e) on September 14, 2022. (ECF No. 42). As this Court previously noted, the Court has entered numerous orders and judgments on Plaintiff's various cases. *Id.* at PageID.1499.

An amendment of an order after a judgment has been entered is governed by Rule 59(e) of the Federal Rules of Civil Procedure. Rule 59(e) provides that any motion to alter or amend a judgment must be filed no later than 28 days after entry of the judgment. Fed. R. Civ. P. 59(e). Motions to alter or amend judgment may be granted if there is a clear error of law, newly discovered evidence, an intervening

change in controlling law or to prevent manifest injustice. *GenCorp., Inc. v. American Int'l Underwriters*, 178 F.3d 804, 834 (6th Cir. 1999). A motion for reconsideration is not a vehicle to re-hash old arguments, or to proffer new arguments or evidence that the movant could have brought up earlier. *Sault Ste. Marie Tribe v. Engler*, 146 F.3d 367, 374 (6th Cir. 1998)(motions under Fed.R.Civ.P. 59(e) “are aimed at *re* consideration, not initial consideration”)(citing *FDIC v. World Universal Inc.*, 978 F.2d 10, 16 (1st Cir.1992)).

The Court finds that Plaintiff’s motion merely presents the same arguments and issues previously ruled upon by the Court, either expressly or by reasonable implication. In its August 19, 2022 Order, the Court found that Plaintiff was not entitled to relief under any of the provisions of Fed. R. Civ. P. 60(b). The Court indicated it would not reconsider its previous decisions either applying res judicata or dismissing the cases based on the merits. The Court further found that Plaintiff’s fraud on the court argument was without merit. (See ECF No. 40, PageID.1506) Plaintiff has not shown that the Court clearly erred in dismissing his case and that the Motion to Amend and Reconsider Final Judgment will be denied.

Accordingly,

IT IS ORDERED that Plaintiffs' Motion to Amend and Reconsider Final Judgment (**ECF No. 42**) is DENIED for the reasons set forth above and in its August 19, 2022 Order.

s/Denise Page Hood _____

DENISE PAGE HOOD

United States District Judge

DATED: February 8, 2023

